

FILED 08 OCT 07 11:23 USDC-ORN

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

MATTHEW T. PRESTON,

Civil No. 08-3045-CL

Plaintiff,

v.

**ORDER TO COMPEL
RULE 34 INSPECTION**

BNSF RAILWAY COMPANY, a Delaware
corporation,

Defendant.

CLARKE, Magistrate Judge:

THIS MATTER having come before the Court upon the PLAINTIFF'S MOTION TO COMPEL RULE 34 INSPECTION (# 20), and the Court having considered the pleadings submitted by the parties,

IT IS HEREBY ORDERED that Plaintiff's Motion to Compel Rule 34 Inspection is granted with the following stipulations:

- (1) Plaintiff provides specific information regarding the inspection, including a list of attendees, specific areas and equipment to be inspected, and describes the nature of any tests to be performed to BNSF Railway Company (BNSF).

- (2) Plaintiff and all individuals accompanying plaintiff at said inspection will be required to abide by BNSF's safety rules.
- (3) Plaintiff and all individuals accompanying plaintiff agree not to disrupt BNSF's ordinary course of business or communicate directly with BNSF's employees.
- (4) Plaintiff and all individuals accompanying plaintiff at said inspection agree not to use any information gathered at the inspection for any purpose other than this lawsuit without express written consent from BNSF.
- (5) Plaintiff and all individuals accompanying plaintiff are NOT required to sign a release or similar limitation of liability document.

IT IS SO ORDERED.

DATED this 7 day of October, 2008.



UNITED STATES MAGISTRATE JUDGE